

CUSTOMER NO.  
34456**REMARKS**

The Notice of Non-Compliant Amendment dated January 30, 2007 has been received and considered. In this response, claims 35-42 have not been amended. Claims 43-51 have been added.

Support for the new claims may be found in the specification and drawings as originally filed. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

CLAIMS 35-42

Claim 35 is an independent claim. Claims 36-42 depend from Claim 35. Claims 35 and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Takano (US 2003/0195658). Applicants respectfully traverse.

CLAIM 35:

Takano fails to teach or disclose several limitations included in Claim 35.

For example, Claim 35 recites:

“determining that a controller file associated with the electronic device is available”; and  
“receiving the controller file”

Neither of these limitations appear in Takano, because Takano is not addressing the same issues being addressed by the claimed embodiment. Applicants are moving control software - specific to a given device - onto a different device in order that the different device can act like a remote control for the given device. For example, if a family loses the remote control for their television, an embodiment of Applicants' invention would allow the family to use their cellular telephone to determine that a remote control file for the television exists, to receive the remote control file at the cellular telephone, and to subsequently use the cellular telephone as a remote control for the television.

Takano, on the other hand, is trying to allow a generic piece of control software to control several different devices. The “objective for the [Takano] invention [is] ... enabling execution

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of a control software even if a robot hardware that is not to be controlled by the control software is employed." [0007]. Unlike the claim limitations expressed above, Takano does not determine that a control file associated with the electronic device is available. The control file of Takano is generic. And, Takano does not receive the control file. The control file is resident on the robot or the computer.

"For practicing the [Takano] invention, the control software does not need a special feature ... mismatching between the control software and robot function means included in the robot is solved." [0029]. "[If] the robot function means is thus not present (If No at step A5), the execution means 102 ignores (skips) a command ...". [0090]. This ability to skip control software instructions is the invention of Takano. The software is generic and used for several different robots. If a given robot would not understand a specific command, the command is ignored.

Unlike Takano, Applicants' claimed embodiment allows a device-specific piece of control software to be found and used. Takano never mentions control software associated with a device, because Takano's software is generic.

In the Office Action, Takano paragraphs [0096] and [0099] are relied upon to show the steps of "determining that a controller file associated with the electronic device is available"; and "receiving the controller file". But, the cited paragraphs do not show these steps. The relied upon portion of the Takano specification describes how Takano is able to use generic control software. The search being done in paragraph [0096], for example, is to determine if the robot has the appendage (i.e., foot or arm) that the generic control software is attempting to control. If the robot does have the appendage, the generic control software command is used. If the robot does not have the appendage, the generic control software command is ignored. No determination is made regarding the availability of robot-specific control software, and no such control software is ever received by some other electronic device. The whole point of Takano is to avoid device-specific control software.

In light of the above, Applicants submit that claim 35 is allowable over Takano. As such, the claims depending from Claim 35 are also allowable.

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CLAIMS 40 AND 41

Claim 40 recites, in part, "the controller file is received via local area radio frequency communication". This limitation is completely missing from Takano. The cited paragraph [0095] merely says that a remote controlling device may send a command to the controlled device with the help of a network. A controller file is never sent anywhere.

CLAIMS 36, 38-39, AND 42

Takano Claims 36, 38-39, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano in view of Zweig (US 6,658,325). Applicants respectfully traverse. At the outset, there is no teaching or suggestion to combine the relied upon references. Moreover, Claims 36, 38-39, and 42 are allowable because they depend from Claim 35, which has been shown to be allowable. As detailed above, multiple Claim 35 limitations are completely missing from the cited art. As such, Applicants submit that Claims 36, 38-39, and 42 are in condition for allowance.

CLAIM 37

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takano in view of Linnartz (US 2002/0066018). Applicants respectfully traverse. There is simply no teaching or suggestion to combine the relied upon references. Moreover, Claim 37 is allowable because it depends from Claim 35, which has been shown to be allowable. As detailed above, multiple claim 35 limitations are completely missing from the cited art. As such, Applicants submit that Claim 37 is in condition for allowance.

CLAIMS 43-51

Applicants respectfully submit the newly added claims are allowable and request full allowance of all pending claims.


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34456**CONCLUSION**

Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-3797. Applicants maintain their objection to and traversal of the election/restriction requirement included in the earlier Action.

Respectfully submitted,

2/7/07  
Date

  
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